

1: CV 00-1846

FORM TO BE USED BY A PRISONER FILING A
42 U.S.C. § 1983 CIVIL RIGHTS COMPLAINT
IN THE UNITED STATES DISTRICT COURT
FOR THE ~~EASTERN~~ DISTRICT OF PENNSYLVANIA
middle

I. CAPTION

JEFFERY PAUL MOSER

(Enter the full name of the plaintiff or plaintiffs)

v.

KENNETH D. KYLER, DR. BARDELL, DR. MOHADEHINDIANA BANEY, CAROL BLACK, DR. SHUMAKERMR. ERHARD, PAT YLKER, TEN OTHER UNNAMED DEFENDANTS.
(Enter the full name of the defendant or defendants) SCRANTON

II. PARTIES

a. Plaintiff

Full name: JEFFERY PAUL MOSERPrison identification number: BE4713Place of present confinement: SCE - HUNNINGTONAddress: 1100 PKE ST. HUNNINGTON PA. 16654-1112

Place of confinement at time of incidents or conditions alleged in complaint, including address:

SCE - FRACKVILLE AND SCE - HUNNINGTON AND SCE - GRATERFORD

Additional plaintiffs: Provide the same information for any additional plaintiffs on the reverse of this page or on a separate sheet of paper.

b. Defendants: (list only those defendants named in the caption of the complaint, section I)

1. Full name including title: KENNETH KYLER, SUPERINTENDENT HUNNINGTONPlace of employment and section or unit: SCE - HUNNINGTON2. Full name including title: DR. BARDELL (MEDICAL DIRECTOR)Place of employment and section or unit: SCE - HUNNINGTON3. Full name including title: DR. MOHADEHIN (FORMER MEDICAL DIR.)Place of employment and section or unit: SCE - HUNNINGTON4. Full name including title: DIANA BANEY (GRIEVANCE COORDINATOR)Place of employment and section or unit: SCE HUNNINGTON.

Additional defendants: Provide the same information for any additional defendants on the reverse of this page or on a separate sheet of paper.

REFILE UPON EXHAUSTION ON
PERMISSION OF THE U.S. COURT
OF APPEALS.

U.S. App. # 00-3025

M.D. C.V. # 99-CV-0326

INT. FEE'S PAID
U.S. APPEAL & FEE PAID.
FORMA PAUPERIS GRANTED.

OCT 18 2000

PER

LM1 -
DEPUTY CLERK

JURY TRIAL REQUESTED

Additional plaintiffs: Provide the same information for any additional plaintiffs on the reverse of this page or on a separate sheet of paper. ✓

b. Defendants: (list only those defendants named in the caption of the complaint, section I)

5 d. Full name including title: CAROL POLLACK (WEXFORD INC. Admin)

Place of employment and section or unit: SCE - HUNNINGTON

6 d. Full name including title: DR. SHUMAKER (MEDICAL DOCTOR)

Place of employment and section or unit: SCE - HUNNINGTON

7 d. Full name including title: MR. ERHARD (Deputy D.O.C. SEC. Commissioner)

Place of employment and section or unit: 2520 LISBURN RD. CAMP HILL PA.

8 d. Full name including title: PAT YABER (MEDICAL ADMINISTRATOR)

Place of employment and section or unit: SCE - HUNNINGTON

Additional defendants: Provide the same information for any additional defendants on the reverse of this page or on a separate sheet of paper.

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(13#) PENNA. Board Administrator of Parole: WILLIAM WARD. (PRE-SERVED)
FOR EXHAUSTION BY THE PA. Supreme Ct. • EXHAUSTION ON ILLEGAL DETAINMENT
ISSUE STILL PENDING.

Additional plaintiffs: Provide the same information for any additional plaintiffs on the reverse of this page or on a separate sheet of paper. ✓

b. Defendants: (list only those defendants named in the caption of the complaint, section I)

9 d. Full name including title: Joseph W. Chesney (SUPERINTENDENT)

Place of employment and section or unit: SCE - FRACKVILLE

10 d. Full name including title: LINDA NAURETH (MEDICAL ADMINISTRATOR)

Place of employment and section or unit: SCE - FRACKVILLE

11 d. Full name including title: DR. ROBERT O'CONNOR (MEDICAL DIR.)

Place of employment and section or unit: SCE - FRACKVILLE

12 d. Full name including title: 10 UNKNOWN (NAMES) Defendants

Place of employment and section or unit: 2520 LISBURN RD. CAMP HILL PA.

Additional defendants: Provide the same information for any additional defendants on the reverse of this page or on a separate sheet of paper.
- MAIN D.O.C. OFFICE

Page 1 B

III. PREVIOUS LAWSUITS

Instructions:

If you have filed other lawsuits in any federal or state court dealing with the same facts as this complaint or other facts related to your imprisonment, you must provide the information requested below. If you have not filed other lawsuits, proceed to Section IV, Administrative Remedies, on this page.

If you have filed other lawsuits, provide the following information.

Parties to your previous lawsuit:

Plaintiffs JEFFERY PAUL MOSER

Defendants MARLENE FIELDS / PA. D.O.C. MARTIN HERN

Issues: UNLAWFUL DETAINMENT, MEDICAL NEGLECT AND INDIFFERENCE
RETALIATION, ETC.

Court: if federal, which district? MIDDLE DISTRICT (HARRISBURG)
if state, which county? _____

Docket number: 99-CV-0326 Date filed: 1/1999

Name of presiding judge: CALDWELL

Disposition: (check correct answer(s)); Date: _____

Dismissed ☒ Reason? EXHAUSTION NON-COMPLET (WITHOUT PREJUDICE)

Judgment _____ In whose favor? _____

Pending _____ Current status? _____

Other _____ Explain _____

Appeal filed? ☒ Current status? PERMISSION TO REFILE UPON EXHAUSTION
(WITHOUT PREJUDICE)

Additional lawsuits. Provide the same information concerning any other lawsuits you have filed concerning the same facts as this action or other facts related to your imprisonment. You may use the back of this page or a separate sheet of paper for this purpose.

IV. ADMINISTRATIVE REMEDIES

Instructions:

Provide the information requested below if there is an administrative procedure to resolve the issues you raise in this complaint. Examples of administrative procedures include review of grievances, disciplinary action, and custody issues. If no administrative procedures apply to the issues in this complaint, proceed to Section V, Statement of Claim, on page 4.

- a. Describe the administrative procedures available to resolve the issues raised in this complaint:

Type of procedure. (grievance disciplinary review, etc.)

AD-MIN-804 GRIEVANCE PROCEDURE PA. D.O.C.

Authority for procedure. (DC-ADM, inmate handbook, etc.)

804 DC. ADM.

Formal or informal procedure. FORMAL / REQUEST SLIP INFORMAL

Who conducts the initial review? GRIEVANCE COORDINATOR (S) SCI-

HUNTINGTON & FRACKVILLE, SUPERINTENDENTS, CHIEF HEARING EXAMINER ROBERT BYRNE.

What additional review and appeals are available?

INFORMAL - REQUEST SLIPS.

- b. Describe the administrative procedures you followed to resolve the issues raised in this complaint before filing this complaint:

On what date did you request initial review? BEGAN EXHAUSTION 10/99 TO DATE 10/00

What action did you ask prison authorities to take?

134 EXHIBITS OF EXHAUSTION ENCLOSED (134 PAGES)

What response did you receive to your request?

NO ASSISTANCE, WHEN AND IF I RECEIVED ANY ANSWER.

What further review did you seek and on what dates did you file the requests?

WEEKLY (MANY) FROM 7/99 TO DATE 10/2000

What responses did you receive to your requests for further review?

RESPONDS NO ASSISTANCE TO RESOLVE MATTERS EVER OFFERED (SEE ATTACHED EXHAUSTION EXHIBITS)

- c. If you did not follow each step of the administrative procedures available to resolve the issues raised in this complaint explain why.

ALL STEP FOLLOWED MANY, MANY, TIMES

(SEE EXHAUSTION EXHIBITS)

V. STATEMENT OF CLAIM

Instructions:

State here as briefly as possible the facts of your case. Use plain language and do not make legal arguments or cite cases or statutes. State how each defendant violated your constitutional rights. Although you may refer to any person, make claims only against the defendants listed in the Caption, Section I. Make only claims which are factually related. Each claim should be numbered and set forth in a separate paragraph with an explanation of how the defendants were involved. Use the reverse of this page or a separate sheet of paper if you need more space.

Statement of claim:

THIS CLAIM IS A "RE-FILE" ON THE PERMISSION OF THE "U.S. COURT OF APPEALS (3rd Cir. Phila. 00-3025) OF COMPLAINT (99-CV-0326 MIDDLE DISTRICT OF PENNA.) (RE-FILE UPON EXHAUSTION) EXHAUSTION HAS BEEN COMPLETED (SEE: 134+ EXHAUSTION DOCUMENTS ENCLOSED.) THE PLAINTIFF WILL ATTEMPT TO BE AS "BRIEF AS POSSIBLE" IN THIS CLAIM, WHICH IS "VERY EXTENSIVE AND WELL DOCUMENTED" 300 PAGES PLUS. AS ALL FACTS ARE TO COME OUT IN DISCOVERY OR ARE ALREADY A MATTER OF COURT RECORD IN THE ABOVE MENTIONED CASE(S) FILED, THE PLAINTIFF DOES THIS TO RESPECT THE HONORABLE COURTS, CLERKS, AND JUSTICE'S.

- SEE ATTACHED CLAIM -

→ 9 of 9
ATTACHED =

VI. RELIEF

Instruction: Briefly state exactly what you want the Court to do for you.

Relief sought:

INJUNCTIVE RELIEF ORDERING IMMEDIATE MEDICAL ATTENTION (PAIN MANAGEMENT RECOMMENDED BY NEURO-SURGEON AND OPERATION AND TREATMENT FOR TERMINAL ILLNESSES. INJUNCTIVE ORDER OF PROTECTION AGAINST FURTHER RETALIATION TOWARDS PLAINTIFF. A.D.A. COMPLIANCE (CONTINUED BELOW) ↓

VII. DECLARATION AND SIGNATURE

I (we) declare under penalty of perjury that the foregoing is true and correct.

10/6/00
DATE

Jeffery Paul Moser
SIGNATURE OF PLAINTIFF(S)

Relief CONTINUED:

COMPENSATORY DAMAGES: IN AMOUNT OF 3 MILLION DOLLARS?

EXEMPLARY DAMAGES: TO PAY ALL AND ANY MEDICAL BILLS RELATED FOR LIFE (NOT TO EXCEED 10 MILLION DOLLARS)

PUNITIVE DAMAGES: AS THE COURT DEEMS FIT. 0.00

* 8th, 5th and 14th amendment Const. Violations enclosed

(Statement of Claim - Refile: CV-0386 Middle District)

ON 6-1-99 THE STATE OF PENNSYLVANIA Dept. of Correction TOOK CUSTODY OF THE PLAINTIFF (ARRIVED: 7-7-99 GRATERFORDS STATE PRISON). FULLY KNOWING "MOSER" CAME FROM A FEDERAL MEDICAL CENTER AND WAS IN IMMEDIATE NEED OF "A SPINAL FUSION OPERATION AND PAIN MANAGEMENT UNTILL SAID OPERATION HAD TAKEN PLACE, BECAUSE OF EXTREME PAIN, DUE TO THE SPINE INJURY. (THIS IS ALL AFFIRMED BY SCIENTIFIC TEST AT THE FEDERAL PRISON AND MEDICAL CENTER AND PA. D.O.C. NURO-SURGEON, M.R.I. AND E.M.G. TESTING) IN A "MOSER" HAS HAD (5) M.R.I. TEST (1) E.M.G. (5) NURO-SURGEON CONSULTATION AND (2) ORTHOPEDIC SURGEON CONSULTATIONS BEFORE THE STATE AND FEDERAL PRISON SYSTEMS, THIS IS NOT COUNTING (4+ NURO-SURGEON, MANY M.R.I. (S), MYOGRAMS, EPIDURALS ECT. MOSER HAD BEFORE COMING INTO THE FEDERAL & STATE PRISON SYSTEMS).

ALL WHICH SAY THE SAME THING, "MOSER IS IN SERIOUS PAIN AND IN NEED OF A SPINAL FUSION OPERATION AND EFFECTIVE PAIN MANAGEMENT. (ALL REPORTS CONFIRM THIS NEED) (ALL THE ABOVE MENTIONED SPECIALIST AND 99% UNFAILABLE SCIENTIFIC TESTING REACH THE SAME CONCLUSION AND RECOMMENDED TREATMENT)! "MOSER ALSO SUFFERS FROM Hep. 'C' A TERMINAL ILLNESS AND POSSIBLE CANCER OF A LIMPNOID AND STOMACH IN HIS GLAND IN THE THROAT, WHICH SURGERY WAS RECOMMENDED AND REFUSED BY THE PA. D.O.C. INS. COMPANY (H.M.O) AND CAMPBELL ADMINISTRATION. THESE LIFE THREATENING CONDITIONS, WHICH GO UNTREATED EFFECTIVELY AS WELL, WILL COST "MOSER" HIS LIFE IF NOT ADDRESSED IMMEDIATELY.

"MOSER" EFFECTIVELY IS "LEGAL DISABLED" BECAUSE OF HIS MEDICAL CONDITION (AFFIRMED BY STATE & FEDERAL FILING AGENCIES) WHICH QUALIFIES HIM FOR AMERICAN WITH DISABILITIES ACT, COMPLIANCE WITHIN THE PA. D.O.C. MOSER HAS FILE SAID CLAIMS WITH THE PA. D.O.C.,,, WHICH ARE ONLY IGNORED AND MOSER MUCH MORE HARASSMENT AND A.D.A. DISCRIMINATION THEN BEFORE THE FILING OF MOSER A.D.A. CLAIM WITHIN THE PA. D.O.C. (SCI-FRACKVILLE / SCI-HUNNINGTON) ...

SINCE, MOSER HAS COME TO THE D.O.C., HE HAS BEEN REFUSED ANY EFFECTIVE MEDICAL TREATMENT (OR) PAIN MANAGEMENT

and suffers greatly as a result of "Retaliation and medical neglect on behalf of the medical Dept. SCI-Huntington and also SCI-Frackville. (Linda Nvaroth medical administrator at Frackville, repeatedly refused me medical treatment on the instruction of Dr. Robert J. O'Connor, to the extent it constituted "Gross medical neglect" in way of refusing me effective pain management, spinal operation, Hep. C. treatment, and throat biopsy for cancer and surgery) all behind the pretense of saving there H.M.O. money and the reasoning "if we can stall Moser long enough, he'll make parole and be gone" they knowingly admitted the need for treatment and refused it. Nvaroth once said: "Go ahead sue us, join the other 1500 it don't effect me." This is done with blatant disregard to Moser pain and suffering (worsening condition and life threaten diseases) the thinking is the same at SCI-Huntington, shortly after Moser was received at SCI-Huntington, Moser realized that the discrimination and retaliation towards Moser was upgraded to max-levels at SCI-Huntington, with only one objective, to cause Moser irreparable damage, due to medical neglect, pain and suffering as a deliberate means of stopping Moser from "asking for medical attention and litigating for needed medications and medical treatments. In short: with respect to the honorable courts, because the chain of events are very extensive, Moser detail only some of the events, On, 8/17/00 Moser spoke with Dr. Reiner whom ordered Moser, treatment and medications and agreed with all reports and doctors beforehand. By the evening of 8/17/00 all these medical recommendations (of Dr. Reiner) were void, on the instruction of Doctor Mohaderin (medical administrative Director) for no good cause other than "Medication Discrimination, intentional indifference, an interest to save the corporation money" (Wexford H.M.O.) ... On 8/30/00 Moser had a consultation with Dr. Mohaderin, at which time Moser was in great pain and distress due to the medical neglect situation and indifference. Dr. Mohaderin, told Moser "Because his

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SHOE SOLES AREN'T WORN CONSISTANTLY AND HE BULLY'S THE MEDICAL SYSTEM" I AM
 TELLING YOU ALL PAIN MANAGEMENT AND TREATMENT" MOSER REPLIED, YOU'RE TELLING
 ME! (MOSER: THAT ALL MY SPECIALIST REPORTS ARE WRONG, ALL MY M.R.I.
 ARE WRONG, THAT ALL MY DOCTOR BEFOREHAND TO DATE WHOM ORDERED PAIN
 MANAGEMENT MEDICATION AND A SPINE OPERATION ARE DRUG PUSHER AND
 WRONG! AND THIS IS BECAUSE I AM A BULLY FOR FILING LITIGATION, SO
 NOW IN RETALIATION YOU'RE GOING TO STOP ALL MY MEDS AND OPERATION
 SCHEDULING! DR. MOHADERIN RESPONDED: YES, I THINK THERE ALL WRONG
 AND YOU WILL GET NOTHING, EXCEPT AN E.M.G. I CAN DO AS I WANT
 MR. MOSER! THESE ACTIONS HAVE CAUSE MOSER GREAT SUFFERING!

ON, 9/1/00 DR. SHUMAKER CALLED "MOSER" FOR AN APPOINTMENT, AT WHICH
 HE RE-ORDERED MOSER PAIN MANAGEMENT AND AGREED MOSER NEEDED A
 SPINE FUSION OPERATION, BUT WENT OUT OF HIS WAY TO DETER MOSER
 FROM HAVING SAID OPERATION IN THE PR. D.O.C. AT THE COST OF
 WEXFORD, ("BECAUSE OF INCOMPATENT NURSE-SURGEONS IN THE ALBANY AREA")
 THEN AFTER DR. SHUMAKER THOUGHT, (NOT ON MOSER STATEMENT OR ACCORD)
 THAT MOSER DIDN'T WANT THE OPERATION AT THE COST TO THEM, HE ORDERED
 MOSER PAIN MANAGEMENT, BUT WHEN MOSER STRAITEN DR. SHUMAKER
 THINKING OUT AND TOLD HIM DAY'S LATER ("MOSER: TOLD DR. SHUMAKER
 "YOU ARE MISSTAKEN IN YOUR THINKING. I WANT MY SPINE OPERATION
 AS SOON AS POSSIBLE, THE PAIN MEDS PRESENT ONLY OFFER A LIMITED
 AMOUNT OF RELIEF AND MY ONLY CHANCE OF GETTING ANY RELIEF IS TO HAVE
 THE SPINAL FUSION WHICH IS DOCUMENTED NEEDED AND OBTAIN EFFECTIVE
 PAIN MANAGEMENT MEDICATION, I WANT MY OPERATION PLEASE SIR.)
 AT WHICH POINT DR. SHUMAKER GOT EXTREMELY ANGRY, MOSER FOUND OUT
 THE NEXT DAY, "HE WAS IN FACT CUT OFF ALL PAIN MEDICATION AGAIN BY
 DR. SHUMAKER AS A DIRECT RESULT OF INSISTING ON THE OPERATION,
 IN RETALIATION TO CAUSE MOSER GREAT PAIN AND SUFFERING!"

MOSER WANTS TO SO NOTE TO THE HONORABLE COURT: THAT BETWEEN
 8/30/00 AND 9/1/00 DOCTOR MOHADERIN (MEDICAL DIRECTOR) WAS IN FACT
 "TERMINATED" FROM EMPLOYMENT AT SCI-HUNNINGTON, BECAUSE "MOSER
 BELIEVES" MEDICAL MALPRACTICE WHICH RESULTED IN THE DEATH OF A
 PRISONER AND TO MANY COMPLAINTS AND SPENDING TO MUCH MONEY!

ON, 9-11-00 MOSER HAD AN APPOINTMENT WITH DR. CRAIG BARDELL THE NEW ACTING MEDICAL DIRECTOR, WHEN MOSER BROUGHT UP THE ACTIONS OF RETALIATION OF DR. MOHADERIN AND DR. SHUMAKER AND ATTEMPTED TO SHOW DR. BARDELL ALL THE M.R.I. PROOF AND NURO-SURGEON REPORTS DR. BARDELL, CONFERRED. DR. MOHADERIN WAS A FINE DOCTOR, WE WILL CONTINUE YOU AS IS, ... WHICH IS NO TREATMENT (OR) EFFECTIVE PAIN MANAGEMENT AT ALL, NONE. AND ALL MY TESTING AND SPECIALIST DOCTOR WERE ALL WRONG AND/OR LIARS. (BEFORE BEING RECEIVED AT SCI-HUNNINGTON.) NOTE: UPON REVIEW OF MY MEDICAL FILE, DR. BARDELL DIDN'T MAKE ANY NOTES IN FILE "ABOUT OUR APPOINTMENT" MOSER BELIEVES HE DID SUCH TO SHEATHHER HIMSELF FROM LEGAL RESPONSIBILITY" WHEN MOSER WENT TO "SEEK CALL" WITH P.A. CAIN TO BEG FOR PAIN MANAGEMENT AND TREATMENT DUE TO EXTREME SUFFERING AND PAIN DUE TO LACK OF MEDICAL ATTENTION AS WELL AS NOW, MOSER WAS HAVING BLADDER CONTROL PROBLEM DUE TO NERVE DAMAGE IN MOSER SPINE. "DR. BARDELL SAT BEHIND MOSER AT HIS DECK AN" LAUGHED", ... AS HE FOUND MOSER SUFFERING FUNNY."

ON, 14 SEPT. 00 MOSER WAS TAKEN FOR E.M.G. TESTING, AT THIS POINT IT IS IMPORTANT THAT THE HONORABLE COURTS KNOW, E.M.G. TESTING IS DONE BY A NEUROLOGY SPECIALIST AND TEST FOR NERVE DAMAGE IN THE BACK AND EFFECTED AREA'S AND ESTIMATES PAIN LEVELS, THIS DOCTOR IS NOT A "NURO-SURGEON". THIS TESTING WAS ORDERED WITH THE INTENTION, OF TRYING TO "DISPROVE ALL MOSER PRIOR NURO-SURGEON AND SCIENTIFIC TESTING M.R.I.'S" AND DISPUTE MOSER DOCUMENTED EXTREME PAIN AND NEED FOR MEDICATIONS AND TREATMENT. AT THE APPOINTMENT AFTER TESTING WAS DONE, THE DOCTOR (CIBERON OPIDA) TOLD THE "OFFICERS: "THIS MAN'S BACK IS SHOT" IN EFFECT CONFIRMING THAT I WAS IN FACT IN EXTREME PAIN AND NEEDED MEDICAL ATTENTION. THE OFFICERS S/O HARMER AND RHONE, PROMPTLY WENT DOWN TO THE MEDICAL DEPT. SCI-HUNNINGTON AND ADVISED THE MEDICAL STAFF OF WHAT THE SPECIALIST SAID AND NEED FOR IMMEDIATE MEDICAL ATTENTION. AT TRIAL MOSER BELIEVE S/O HARMER AND RHONE SHOULD BE REQUIRED TO GIVE EYEWITNESS TESTIMONY.

No action to medically assist MOSER was given, on 22nd Day of Sept. THE E.M.G. REPORT WAS RECEIVED BY DR. SHUMAKER AT SCI-HUNNINGTON THE RESULTS WERE AS FOLLOWS:

(ABNORMAL E.M.G. FROM "L2 TO S1")

(DIAGNOSIS - L2, L3, L4, L5, RADICULOPATHY)

Radiculopathy is a pathological condition of the nerve root, i.e. (NERVE DAMAGE). THE WORD DERIVES FROM (2) WORDS: RADICAL: TO CARRY TO FURTHEMOST LIMITS (WEB. DIC.) AND PATHY: A DISEASE (GREEK - PATHOS = SUFFERING) RADICULOPATHY IN SHORT MEANS:

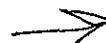
(EXTREME SUFFERING IN LAYMAN'S TERMS) THE E.M.G. TESTING CAME TO PROVE THAT, I AM IN EXTREME PAIN AND THAT MY CONDITION IS GETTING WORSE, NOW THE NERVE DAMAGE HAS MOVED UP MY SPINE TO THE (L2, L3) LEVELS AND WILL CONTINUE TO MOVE UP MY SPINE WITHOUT IMMEDIATE MEDICAL ATTENTION. BEFORE MOSER CAME TO THE PR. D.O.C. HIS L2, L3, DISK WERE NOT DAMAGED, NOW DUE TO THE MEDICAL NEGLECT MOSER SUFFERS FROM, THE DOCTORS AT SCI-TRACKVILLE AND HUNNINGTON HAVE IN FACT CAUSED MOSER IRREPAIRABLE SPINE DAMAGE AND EXCESSIVE SUFFERING DUE TO THERE REPEATED ACTS OF MEDICAL INDIFFERENCE (INTENTIONALLY) IMPOSE ON MOSER IN EFFECT TO INTENTIONALLY HARM MOSER IN ANYWAY POSSIBLE, BY ABUSING THERE POWER AND INFLECTING THERE RETALIATORY WILL ON MOSER. THE E.M.G. AFFIRMS ALL THE M.R.I.'S AND SPECILIST WERE IN FACT CORRECT IN THERE FINDINGS, ONLY THE NERVE DAMAGE IN MOSER SPINE IS ELAUMATEDLY WORSE AS STATED ABOVE. (SEE: EX.)

ON, 10/5/00 MOSER WAS CALLED TO BE SEEN BY DR. REINER TO REVIEW THE E.M.G. ... IN SUCH DR. REINER RE-ORDERED PAIN MEDICATIONS FOR MOSER AND REFERRED HIM TO ANOTHER SPECILIST, (AS THEY HOPE TO FINDLY GET A SPECILIST TO SAY WHAT THEY WANT (OR) ADVISED HIM TOO, TO SUGEST THAT ALL THE BEFORE MENTION PROOF IN TESTING AND SPECILIST ARE WRONG) WHICH IS VERY UNLIKELY AND ONLY STALLS ANY TREATMENT FOR MOSER WHY HE WAITS FOR ANOTHER DOCTORS APPOINTMENT, BUT SAVES THERE CORPORATION WEXFORD MONEY AS A SPECILIST CONSULTATION EVERY 3 TO 6 MONTHS IS CHEAPER THEN THE NEEDED OPERATION AND ALWAYS ARE THEY TOLD THE →
(5 OF 9)

SAME THING, MOSER IS IN EXTREME PAIN AND NEEDS NARCOTIC PAIN MANAGEMENT AND A SPINAL FUSION OPERATION, AS HE WILL SURELY ONLY GET WORSE UNTILL HE IS IN A WHEELCHAIR FOR THE DURATION OF HIS LIFE. THIS IS WHAT ALL THE "MANY" DOCTORS OF THE PAST SAID AND TESTING PROVES! THIS IS JUST ONE MORE STALL TACTIC, TAXPAYER MONEY WASTED, H.M.O. MONEY SAVED, WHY MOSER, SUFFER'S MOMENT BY MOMENT IN PAIN, WITHOUT ANY REAL FORM OF PAIN MANAGEMENT. (RECOMMENDED BY THE PA. D.O.C. NURO-SURGEON DR. NAKKACHE 20mg OXYCONTIN 2 TIMES DAILY AND SPINE FUSION OPERATION) (SEE: EXHIBIT) * EVERYTIME A SPECIALIST WRITES THE TRUTH IN HIS REPORT, THEY (MEDICAL STAFF D.O.C.) SENDS ME TO ANOTHER DOCTOR IN HOPES OF GETTING THAT DOCTOR TO WRITE SOMETHING CONTRARY TO ALL THE PAST PROOF. TO DATE THERE DOCTOR ONLY HAVE SHOWN (OUTSIDE SPECIALIST) THAT I AM GETTING WORSE, DUE TO THERE DELIBERATE MEDICAL INDIFFERENCE!

10/5/00 MOSER WAS CALLED BACK DOWN TO MEDICAL (45 MINUTES) AFTER THE ABOVE MENTIONED APPOINTMENT BY DR. REINER AND TOLD THAT HE WOULD NOT RECIEVE THE PAIN MEDICATION ORDER 45 MINUS EARLIER, AS HE SPOKE WITH DOCTOR BARDELL AND THE NURSING STAFF AND CHANGE HIS MIND. DR. BARDELL TOLD MR. REINER NOT TO ADMINISTER PAIN MANAGEMENT AND TO LET ME SUFFER REGARDLESS OF ALL THE MEDICAL FACTS. DR. BARDELL DOES ALL THIS THREW OTHER STAFF MEMBERS AND NEVER WRITES NOTES IN MY FILE TO SHIELD HIMSELF FROM CIVIL LIABILITY, NOTE: THIS IS THE SAME DOCTOR, WHO LAUGH'S AT THE INDIFFERENCE TOWARD MOSER AND HIS PAIN AND SUFFERING. LET NOT ^{THE} EVIL AND DISHONEST ACTIONS OF DR. BARDELL GO UN-NOTICED.

IN EXHAUSTION MOSER HAS FILED TO DR. ROBERT O'CONNOR, LINDA NAURATH (MED. ADMIN. FRACKVILLE) (JOSEPH. W. CHESNEY/SUPERINTENDENT SCI-FRACKVILLE) (ROBERT BITNER CHIEF HEARING EXAMINER) MR. ERHARD (SEC. DEP. COMMISSIOINER) (CAMPBELL) ALL THESE EXHAUSTION DOCUMENTS OF SCI-FRACKVILLE ARE INCLUDED, FULL EXHAUSTION HAS BEEN MEANT,



STILL MOSER AWAITED THE RE-FILE OF THIS CIVIL ACTION ON THE MEDICAL CLAIM IN HOPES OF GETTING MEDICAL RELIEF, AT SCI-HUNNINGTON. BUT RATHER MOSER WAS ACCOSTED WITH RETALIATION TO THE DEGREE AT HUNNINGTON AS EVEN AT SCI-FRACKVILLE WAS NOT AS SUCH TO THIS DEGREE OF MEDICAL INDIFFERENCE, RETALIATION, AND A.D.A. DISCRIMINATION. FRACKVILLE DID AT MINAL GIVE ME SOME FORM OF PAIN MEDICATION, THOUGH INEFFECTIVE, NEVER ACCEPT AT SCI-HUNNINGTON IN ALL MY INCARCERATION STATE AND FEDERAL DID THE PRISON DOCTORS STOP ALL EFFECTIVE PAIN MANAGEMENT AND TREATMENTS (AND INEFFECTIVE, AND CONTEND THAT ALL THE PROOF AND TESTING AND OTHER SPECIALIST DOCTOR WERE ALL WRONG AND STATE THE REASON WAS RETALIATORY IN NATURE "YOUR A BULLY MOSER", WITH LITIGATION...

EXHAUSTION WAS MEANT AT SCI-FRACKVILLE ALONE ENOUGH TO RE-FILE BUT MOSER PUSH FORWARD TO EXHAUST REMEDIES AT SCI-HUNNINGTON AS WELL ONLY TO MEET WITH ROAD BLOCKS WHICH VIOLATE ALL D.O.C. POLICY AND DUE PROCESS RIGHTS. AND MAKE IT IMPOSSIBLE TO EXHAUST REMEDIES AT HUNNINGTON, AS IT IS THERE BELIEF THAT IF I CAN'T EXHAUST, THE HONORABLE COURT WON'T HEAR THIS CIVIL ACTION. MOSER HAS FILED MANY GRIEVANCE WHICH ARE RETURNED OR NEVER RETURNED TO THE GRIEVANCE COORDINATOR (DIANNA BANEY) WHICH JUST NEVER GET ANSWERED, (SEE: EXHIBITS). WHEN MOSER ADDRESS MS. BANEY ACTION, NO RESPONSE IS GIVEN. MOSER IS SIMPLY IGNORED ON ALL GRIEVANCE PROCEDURES AT SCI-HUNNINGTON THIS IN FACT KEEPS THERE COMPLAINT NUMBERS DOWN, AND STALL ANY FORM OF RELIEF. ONLY ON GRIEVANCE NO# 0136-00 WAS A RESPONSE OFFERED AT THE FIRST STAGES, THE APPEAL TO THE SUPERINTENDENT TO DATE HAS NEVER BEEN ANSWERED, MOSER BELIEVE IT NEVER WILL. MS. YAGER (MEDICAL ADMINISTRATOR) FOLLOWS THE SAME PROTOCOL AS DOES CAROLL POLLACK (WEXFORD INC. ADMINISTRATOR) AT HUNNINGTON. ALL OF WHOM ARE AWARE OF THE MEDICAL INDIFFERENCE AND RETALIATION SITUATION AT HUNNINGTON, BUT WILL NOT ADDRESS THE HONEST ISSUE'S AND STONEWALLS MOSER, IN HOPES OF HINDERING

Civil Action, and avoid any responsibility for indifference towards Moser. Finally Moser has addressed his grievance verbally with the Superintendent of Huntington (Kenneth D. Kyler) the second time Mr. Kyler spoke with Moser, he took copies of Moser neuro-surgeon reports and M.R.I.'s, the proof of this situation and promised to address the wrong doings of the medical Dept. Moser never heard anymore from Mr. Kyler no (help) actions were taken. The first time Moser did address this situation with Mr. Kyler was in the yard, after Moser explained the situation and indifference toward Moser Superintendent Kyler replied: "They are just trying to save there company money" "write Mr. Williamson and get back to me." which I did to no avail. So by this admission the Honorable Court can see, from the Superintendent down all the staff members know whats going on with Moser situation and medical urgent needs (named defendants) and the retaliation towards Moser, there all knowingly are part of the action to crush Moser, mentally and physically and medically, until irreparable harm (as present) is obtained. As it's been said by staff members: "Sue us, were not going to be accountable"... I ask the Honorable Court to hold all the defendants accountable in the official and personal capacity in the event the Plaintiff prevails in this Civil Action.

Moser, does not want the Honorable Court to forget that also in this action Moser terminal illness are also being ignored also, he is told his Hep. C. will not be treated because he is past his min. release date and the possible cancer of the throat gland until, the swelling is out of control and larger, in both cases this means Moser would not receive lifesaving available treatments, before it was far to late to save Moser's life. There action show they would welcome Moser death, as they already enjoy watching Moser pain, suffering due to there action's...

With ALL DUE RESPECT TO THE HONORABLE, MOSER HAS NOT INCLUDED MUCH OF THE FACTS TO BE HEARD IN A PUBLIC TRIAL BECAUSE OF THE LENGTH OF THEM, .. MOSER ASK FOR COUNSEL TO BE APPOINTED IN THIS CASE, AS ONLY THEN CAN JUSTICE BE SERVED IN THIS CIVIL ACTION, BECAUSE IT IS THE INTENTION OF THE DEFENDANTS, TO KEEP MOSER IN SUCH EXTREME PAIN, AS SO, HE IS NOT ABLE TO DO SAID LITIGATION, WHICH IS THE CASE, MOSER IS IN EXTREME PAIN AND DOES SUFFER FROM LOSS BLADDER CONTROL, AND AS MOSER NERVE DAMAGE TRAVEL UP HIS SPINE MATTER CAN ONLY GET WORSE AS OF A RESULT OF THE DEFENDANT DELIBERATE INDIFFERENCE.

MOSER, BELIEVES INJUNCTIVE RELIEF CAN ONLY BE OBTAINED THROUGH COUNSEL TO ASSIST MOSER IN AVOIDING FURTHER ACTS OF RETALIATION TOWARD MOSER IN MANY FORMS SUCH AS, (PAROLE RECOMMENDATION DENIAL UNJUSTLY) (UNWARRANTED MISCONDUCTS) (THREATS) (MORE A.D.A. DISCRIMINATION) (RETALIATORY TRANSFERS) ETC... MOSER, ASK COUNSEL BE APPOINTED. MOSER ASK THIS COMPLAINT MAY BE FILE ALSO UNDER A.D.A. DISCRIMINATION, AS SCI-HUNNINGTON IGNORES ALL A.D.A. CLAIMS AND COMPLIANCE...

WHEREFORE, I JEFFERY PAUL MOSER, (PLAINTIFF) PRAYS THIS 1983 CIVIL RIGHTS COMPLAINT BE REFILED TIMELY, AS ALL EXHAUSTION MEASURE ORDERED BY THE U.S. COURT OF APPEALS (00-3025) HAVE CONCLUDED AND NO RELIEF CAN BE SOUGHT OTHER THEN FROM THIS HONORABLE COURT. MOSER WAS GRANTED FORMA PRUPERIS STATUS BY THE U.S. COURT OF APPEALS AND ASK SAID INDIGENT STATUS APPLIES TO ALL FUTURE FEES...

NOTE: 10/6/00 ALL NURSE-SURGEON APPOINTMENT AND TREATMENT CANCELED (PER MED. DIRECTOR)

Respectfully Submitted

JEFFERY PAUL MOSER
BE4713

6th Day of Oct. 2000

SWORN STATEMENT

(28 U.S.C. 1746)

(9 OF 9)

1100 PIKE ST.

HUNNINGTON, PA. 16654-1112

SCI-HUNNINGTON.

Medical
Exhibits

— A. D. A. Claim —

NURO - SURGEON
REPORT (A. D. A. C. 1)

Benjamin Nakkache M.D. F.A.C.S. F.I.C.S.
Diplomate American Board of Neurological
Surgery..
Microneurosurgery...

New Bridge Center
480 Pierce St.
Suite 219
Kingston Pa. 18704
570-714-8900
570-714-0960 (Fax)

This Patient is coming to see me for Evaluation of Back and Left Leg Pain and to a Lesser degree on the Right side. As we know, the patient had surgery in the past Two Different times before He was imprisoned, Both L4-L5 and L5-S1 with fairly good pain relief, untill he fell from an elevator in 1997. Since then, he has been having more severe back and left leg pain and even some difficulty with bladder control, However no overt Cauda Equina Syndrome is noted. Walking and sitting is worse than lying down. He also complains of Paresthesias on the left foot affecting both the L5-S1 Dermatomes. So far the Medication he has been given for Pain Control has been Ineffective.

Neurological Examination

- 1.) Mental Status: Patient is awake, alert and oriented X3
- 2.) Neck: Soft , Supple
- 3.) Cranial Nerves: I-XII are in tact
- 4.) Motor Examination: It is difficult to detect any definitive weakness, the left lower extremity is difficult to test because of Pain.
- 5.) Sensory Examination: There is no definitive Sensory loss to touch and pinprick on the upper extremities, but on the the Lower ones, Mostly on the Left side affecting the L5-S1 Dermatomes.
- 6.) Reflexes: Are 2+ and symmetrical all throughout except the Ankle jerks which are barely trace on the Left side a 1+ on the right side Plantar responses are downgoing.
- 7.) Lower Back Examination: Discloses a well healed midline scar, there is tenderness to the Left side of the midline but no definitive Paravertebral muscle spasm is noted. Straight leg raising on the Left side is Positive for leg pain at about 30 degree's and also sitting up on the right side, it also causes contralateral left leg Pain.
- 8.) Radiology: I reviewed his M.R.I. of the lumbar spine, Which disclosed evidence of recurrent Disc Herniation at L4-L5 and to a lesser degree at L5-S1 There is Evidence of D.J.D. at both levels also...

I feel at this point, He should be considered for surgery.
 * I am aware that the Patient may have had other problems in the past as per the prison doctor, But certainly the M.R.I. findings are quite straitforward. Although a Limited Laminotomy could be done on the left side at L4-L5 that could be difficult because of his previous surgeries and as such a Full Laminectomy will be more effective and safer to remove the recurrent Disc Herniation. However this would certainly cause more back pain unless a Lumbar Fussion is done at the same time at both levels and if so, in his case, Pedicle screw fixation with a Posterolateral bony fusion will be recommended. that of course would require a bone graft from the right hip or left hip...

In the mean time, I feel the Patient should be placed on Oxycontin around the Clock perhaps 20mg (or) 40mg twice aday to see how he responds to that. Should surgery be Authorized I would be glad to do it on a Three or Four week notice..

NOTE: THIS ³ ANY EFFECTIVE MEDICATIONS (OR) TREATMENTS ARE REFUSED TO ME TO DATE...

Doctor: Nakkache Report of 20th Day of March, 2000

Hand copied Word for Word By: Jeffery Moser
 out of his Medical File, In accordance with
 F.O.I.A. Law...

Waivers given Freely To all Officers of the Court , I.E. Attorneys & Judges & Members of the Press, Whom may need to reference the Originals in the interest of Justice. Jeffery Moser is the Patient Herein this report. Thus his rights are active....

NOTE: THIS REPORT WAS IN RESPONSE TO AN "ACCIDENT I HAD IN JAN. 2000" ONLY THEN DID I RECIEVE THIS CONSULTATION. I SLIPPED ON THE ICEY WALKWAY. AFTER THEY WERE MADE AWARE BEFOREHAND THAT BECAUSE OF NERVE DAMAGE FROM MY SPINE INJURY, DOWN MY LEFT SIDE (LOSS OF FEELING & BALANCE) I CAN NOT BALANCE WELL ON ICE, SNOW (OR) WET SURFACES. TO DATE I STILL AM FORCED TO WALK THE SAME ROUTE. THIS DOCTOR CONFIRMS THE DANGER, AS WELL AS

THE FEDERAL AUTHORITIES ORDER THE INFORMATION BEING PROVIDED WITHOUT DELAY

E.M.G. Report

CICERON L. OPIDA M.D.
Diplomate American Board of Pshciatary & Neuology
1915 Valley Veiv Blvd., Altoona Pa. 16602
(814) 946-5000 (814) 623-7805 Fax

Examination Date: 14th Sept. 2000
Date Report Recieved: 22 Sept. 2000 (DR. Shumaker/Signed)

E.M.G. REPORT

Summmary of Results

Normal Conduction Velocity of the Right and Left Common Peroneal and Posterior, Tibial Nerves. Normal Sensory evoke response of the right and Left Sural Nerves... (ABNORMAL E.M.G. FROM " L2 to S1 ")

The rest of the Study is Normal...

DIAGNOSIS

((Diagnosis - L2, L3, L4, L5, Radicalopathy)))

End of Notes on Report.

*Radicalopathy the Meaning is Made up of Two word to Derive at one meaning and/or view of the Medical Condition and/or the Seriousness of the Medical condition.

Radical: Carried to Farthest Limits (Amer. St. Dic.)

Pathy: (1) Feeling
(2) A Disease - A deseased Condition.
(Greek- Pathos (=) SUFFERING)

RadicaloPathy --- EXTREME SUFFERING....(In Layman Terms)

Radiculopathy -any Pathological Condition of the Nerve Root..
(Websters Medical Dictionary)
Pathological - Altered or Caused by Disease...
(Websters Medical Dictionary)

This, Was Copied By the the Patient (Jeffery paul Moser) out of His Medical File Within the Bounds of the Law and the U.S.CONST. as well as the F.O.I.A. Directives. (REPORT ONLY) Notes and Dictation done by Moser Also. Express Consent Given to Courts, Press & Members of the Bar to Access This Document and ALLL & ANY MEDICAL RECORDS ON MOSER UPON REQUEST....

Jeffery Paul Moser/26th day of Sept.2000

E.M.G. REPORT / ELECTROMYOGRAPH

26TH Day of Sept. 2000

Too: Superintendent Kennenth Kyler

From: Jeffery Paul Moser BE4713 (CA-1028)

(Medical Affidavit)

Greeting Sir,

I can only assume that after you spoke with me sometime ago sir that you told by the Medical Staff that they were awaiting the Results of the E.M.G. Report and that is why you Never got Back to me on the Medical issue's we spoke about. You also asured me that you would get Corraspondances such as this if I Forward them to you. (As I understood You)..

Please see the attached Document, It is in part from my E.M.G. report that was recently recieved by the medical Dept. it confirms that :

(1) I AM IN EXTREME PAIN & NEED TO BE MEDICATED.

(2) That this Report is Consistant with the (4)

M.R.I. & D.O.C. NURO-surgeon Reports, I am Not Faking and in Immediate need of Pain Management for Extreme Pain and Spinal Surgery, So much because of the Medical Neglect and Indifference toward me at the Hands of Medical staff, My Conditions has Worsened to include Nerve Damage to the (((((L2, L3, Region of my back (Disks)))))) Which was not the case Before I came to the D.O.C. ... This is a Direct result of Medical Neglect & The medical Staff getting 'Even" with me, They Have and will continue to cause me irreparable Harm by there action. If they are NOT-Instucked otherwise by your Office sir,...

(3) Dr.Shumaker Confirmed his Preudice towards When he Reviewed the E.M.G. report and Signed it. (KNOWING THE SUFFERING I AM ENDORING) YET DID'NT ORDER ANY MEDICATION OR FURTHER TREATMENT. Once Again is My Pain and Suffering Enjoyable to them???

So, I Conclude Sir, You Have All the Proof in the World of My Medical needs and I ask you once More to Step into this situation and correct the actions of the Medical dept. and Provide me with Proper Pain Management and Further treatment Later... I Only want what is right and needed to Function..... Not more Harrassment And Medical Neglect... Please Assit In anyway Possible, I want Help not to Be a Burden to you or Your Staff.. They won and Had Pleanty of fun with my Suffering and Pain

M. R. I. (FEDERAL)

DIAGNOSTIC IMAGING CENTR
RADIOLOGIC CONSULTATION

UNTHSC FED CORRECTIONAL INST
3150 HORTON RD
FORT WORTH, TX 76119

817-735-5066

EXAMS: 000100143 MRI LUMBAR SPINE W/VO

REASON FOR EXAMINATION: Prior back surgeries times two. Laminectomy.
Left hip and lower back pain.

Magnetic resonance imaging of the lumbar spine is performed.

Vertebral body alignment is satisfactory. Degenerative end plate changes are present at L4-L5, with marrow stores otherwise being adequate. Disc desiccation is observed at L4-5 and L5-S1 disc space.

At the L1-L2, L2-L3 and L3-L4 levels, there is no evidence of disc herniation or compressive disc disease. No central or neural foraminal canal stenosis is identified. The articular facets do not appear grossly remarkable.

At L4-L5 there is mild bilateral facet hypertrophy.

There has been left laminotomy. There is enhancing retrodiscal and left parathecal fibrosis. Asymmetry of leftward disc, resulting in effacement of leftward ventral thecal sac on images 6 and 7, scan 6, and mild to moderate narrowing of left neural foramen is thought to be a combination of residual protrusion and postoperative enhancement, as seen on slices 3 and 4 of right parasagittal data set. Dominant finding however is thought to be postoperative enhancement.

At the L5-S1 level, there is a large broad-based protrusion, seen on the axial T2 data set, images 2 and 3, scan 6, and on T1 images #2 and 3, scan 5. This is slightly more prominent rightward. This abuts the S1 nerve roots, and results in mild effacement of ventral epidural fat. There is bilateral facet arthropathy. There is left neural foraminal stenosis.

IMPRESSION:

L1-L2, L2-L3, AND L3-L4: NEGATIVE MRI.

L4-L5: LEFT PARACENTRAL RETRODISCAL ASYMMETRY WITH VENTRAL THECAL SAC EFFACEMENT FOR WHICH A COMBINATION OF DISC REPROLAPSE OR RESIDUAL

PAGE 1

UNTHSC FED CORRECTIONAL INST

(CONTINUED)

TECH: JESMAIN, JEFF (RT/CMRT)
DICT D/T: 11/23/1998 (1043)
TRANS D/T: 11/23/1998 (2136)
TRANSCRIPTIONIST: MR/PAS
PRINTED D/T: 11/24/1998 (1255)

NAME: MOSER, JEFFREY
PHYS: JOHN BARRY MD
DOB: 06/10/1965 AGE: 33 SEX: F
ACCT NO: H04480588 LOC: DIC.MRI
EXAM DATE: 11/23/1998 STATUS: REG CLI
UNIT NO: M00199644

32560-048

F-111111

DIAGNOSTIC IMAGING CENTRE
RADIOLOGIC CONSULTATION

EXAMS: 000100143 MRI LUMBAR SPINE W/VO
<Continued>

HERNIATION AND EXTENSIVE ENHANCING FIBROSIS IS THOUGHT PRESENT. MILD
LEFT NEURAL FORAMINAL NARROWING.

L5-S1: BROAD-BASED PROTRUSION, WITH EFFACEMENT OF THE VENTRAL
EPIDURAL FAT ABUTTING THE S1 NERVE ROOTS BILATERALLY.

DEGENERATIVE DISC DISEASE AT L4-L5 AND L5-S1.

*** THIS IS A DRAFT REPORT UNTIL SIGNED ***

*** REPORT SIGNATURE ON FILE 11/24/1998
PAUL T. MARSH, D.O.

S. Kwatra, M.D.
Medical Officer
12/4/98

PAGE 2

UNTHSC FED CORRECTIONAL INST

TECH: JESMAIN, JEFF (RT/CMRT)	NAME: MOSER, JEFFREY
DICT D/T: 11/23/1998 (1043)	PHYS: JOHN BARRY MD
TRANS D/T: 11/23/1998 (2136)	DOB: 06/10/1965 AGE: 33 SEX: F
TRANSCRIPTIONIST: MR/PAS	ACCT NO: H04480588 LOC: DIC.MRI
PRINTED D/T: 11/24/1998 (1255)	EXAM DATE: 11/23/1998 STATUS: REG CLI
	UNIT NO: M00199644

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Magnetic resonance imaging of the lumbar spine is performed.

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IMPRESSION

L1-L2, L2-L3, AND L3-L4: NEGATIVE MRI.

L4-L5: LEFT PARACENTRAL RETRODISCAL ASYMMETRY WITH VENTRAL THECAL SAC EFFACEMENT FOR WHICH A COMBINATION OF DISC REPROLAPSE OR RESIDUAL HERNIATION AND EXTENSIVE ENHANCING FIBROSIS IS THOUGHT PRESENT. MILD LEFT NEURAL FORAMINAL NARROWING.

L5-S1: BROAD-BASED PROTRUSION, WITH EFFACEMENT OF THE VENTRAL EPIDURAL FAT ABUTTING THE S1 NERVE ROOTS BILATERALLY.

PAGE 1

Signed Report

(CONTINUED)

TECH: JESMAIN, JEFF (RT/CMRT)
 DICT D/T: 11/23/1998 (1043)
 TRANS D/T: 11/23/1998 (2136)
 TRANSCRIPTIONIST: MR/PAS
 PRINTED D/T: 11/25/1998 (1146)

NAME: MOSER, JEFFREY
 PHYS: JOHN BARRY MD
 DOB: 06/10/1965 AGE: 33 SEX: F
 ACCT NO: H04480588 LOC: DIC.MRI
 EXAM DATE: 11/23/1998 STATUS: REG CLI
 UNIT NO: M00199644

Noted 11-28-98
 E. F. PARAISO, P.A.
 FMC FORT WORTH, TX.

EXAM: 00 0043 LUMBAR SPINE W NO

FEDERAL MEDICAL CENTER
3150 Horton, Fort Worth, Texas 76119
X-RAY REPORT

Name: MOSER, JEFFREY
Number: 32560-048
Date: 11/25/98
Date of Birth: 06/10/65
Sex: M
Date Requested: 11/24/98
Referring Dr.: PARAISO
Examination: LUMBAR SPINE

REASON FOR EXAMINATION: Fell on his back.

AP, lateral and single oblique view of the lumbar spine demonstrate normal osseous alignment and axial height of the vertebral bodies. L4-5 disk narrowing is noted. Disk width is otherwise preserved. Right pars interarticularis defects are not identified. The left pars interarticularis are not demonstrated by left oblique view. The paraspinous soft tissues do not appear remarkable.

IMPRESSIONS:

NEGATIVE COMPRESSION DEFORMITY.

DEGENERATIVE DISK NARROWING OF L4-5.

Mary H Caffrey, DO
MARY H CAFFREY DO, Dept. of Radiology,
University of North Texas
Health Science Center at Fort Worth

D: 12/01/98 T: 12/01/98 #: 10154052 BJW
CC:

S. Kwatra, M.D.
Medical Officer
12/8/98

Noted
12/8/98
Para
0730

M. R. E. Report

07/23/98
0754

JOHN C. LINCOLN HOSPITAL & HEALTH CENTER
250 E. DUNLAP, PHOENIX, ARIZONA 85020-2871

FINAL REPORT

Name: MOSER, JEFFREY
(00000)066-42-65
(00000)066-42-65

32560-048

DIAGNOSTIC IMAGING REPORT

TRAN DATE: 07/22/98 TIME: 1850

EXAM
MR LUMBAR SPINE W/NO CONT.

EXAM DATE & TIME
07/22/98 1414

ACCESSION #:
MR-98-01760

IMPRESSION

1. Combined epidural granulation tissue/scarring at left paramedian disk herniation at L4-5, resulting in asymmetric severe compromise of the ipsilateral recess and neural exit foramen on the left. In addition, there are small posterior osteophytes at L4 and there is bilateral posterior facet arthrosis contributing to bilateral foraminal stenosis.
2. Right paracentral disk protrusion at L5-S1. There is also bilateral neural foraminal stenosis caused by facet degenerative joint disease.
3. No abnormal enhancement or abnormal signal identified in the conus.

B. RAY, M.D.

Dictated by: MARTIN SABATINOS, MD
Signed by: GDW 07/22/98
23:48 (electronic signature) MS /PF

Transcribed Date/Time: 07/22/98 18:29

Deliver to: LAWRENCE GREEN, MD

CHART COPY

End of Report

PAGE #: 2

A. D. A Claim



BUREAU OF DISABILITY DETERMINATION
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF LABOR AND INDUSTRY
POST OFFICE BOX 8229
HARRISBURG, PENNSYLVANIA 17105

DIAL TOLL FREE
LOCAL TELEPHONE NUMBER: 783-3620
FROM OTHER AREAS CALL: 800-932-0700
TT #: 717-772-1740

EXT. 223

JEFFERY P MOSER
STATE CORRECTIONAL
PO BOX 246
GRATERFORD PA 19426

DATE: 08/23/99

SSN: 179-56-4851

#BE4713
Here
Lyn Sheppard
Clerical Supervisor II
8/27/99

UNITED STATES GOVERNMENT
MEMORANDUM
Federal Medical Center
3150 Horton Road
Fort Worth, Texas 76119

DATE: 8/23/99

REPLY TO
ATTN OF:

L. Hemingway, PT
Chief Rehab Services

SUBJECT:

Wheelchair Utilization Contract

TO:

J. H. H. Reg. No. 1212

Signature: *[Signature]*

You have been issued wheelchair # 609 for your personal use as authorized by your Physician and the Rehab Department. You are authorized to use this chair until: June 11 (Date). This chair is clean and in good repair. The conditions of this contract include:

Bureau of Prisons

1. The wheelchair is Bureau property. FMC Fort Worth will provide a maintenance and repair service via the Wheelchair Repair Class provided by the Education Department. Access to that class may be obtained by one of the following:

- A. Enrollment in the Education program;
- B. Inmate Request to Staff Member to the Rehab Department. A positive response to your request will be your authorization.

2. The Rehab Department will evaluate any inmate referred from the Medical Clinic for wheel chair utilization. All custom ordered chairs will be ordered by the Rehab Department.

3. The Rehab Department strongly urges the replacement of personal wheelchairs with Bureau-owned wheelchairs.

4. The Rehab Department will hold periodic Wheelchair Authorization Clinics to ensure up-to-date authorizations and documented medical need.

1. *[Signature]* Inmate understand the following:

1. This inmate takes personal responsibility for the wheelchair listed above or any other wheelchair temporarily assigned. It will be kept clean at all times. Any malfunctions will be reported promptly by Inmate Request to Staff Member to Rehab Services. Any damages to a wheelchair deemed excessive and not normal wear and tear will result in an Incident Report.
2. This inmate will not loan this chair to another inmate for personal favor or personal gain. This action will result in a Incident Report.
3. This inmate will carry this Authorization (Medical Report of Duty Status) for use of this wheelchair at all times.

JUL 17 2000

8th Day of June, 2000

To: ~~Jeffery Paul Moser~~ (Superintendent at ~~SCI-McKeesport~~)From: Jeffery Paul Moser (BE-4713) ~~SCI-McKeesport~~Attachment of law..

*American with Disabilities Act 42 U.S.C. 12101

*Rehabilitation Act 29 U.S.C. 794 , 504, (ect) Whole act applies.

[Reasonable Accommodation & Employment Discrimination & Medical Neglect of Services]

*Little Vs. Lycoming County , 912 F.Supp. 809, 819 (M.D.1996)

[In the context of Qualified Immunity, that it is *** "clearly Established" that the rehabilitation act applies to Correction Facilities]

*Austin Vs. Pa. D.O.C., 376 F.Supp. 1437, 1465 N. 17 (E.D.Pa.1995)

[The rehabilitation Act applies with the same Force and Effect in the Correctional Inst. as it does in other Federally Funded Programs.]

Saunders Vs. Horn, 960 F.Supp. 893, (E.D.Pa.1997)

[A.D.A. APPLIES TO STATE PRISONERS & Degenerative disc Disorder in the SPINE WAS WITHIN AMBIT OF APPLICABLE A.D.A. Regulations....]

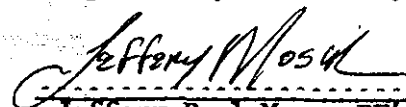
Statement: Therefore Sir, if you do an Honest evaluation of the above mentioned Caselaw and the Facts, you will find SCI-McKeesport in Direct Violation of both Acts and State and Federal Laws. I now ask you to Upgrade your Inst. to meet the requirements or at minumal, Speak with me (or) work with me to resolve the Violations that are directly effecting me and avoid civil Litigation & Personal responsibility as you are a Knowing party to what is taking Place...

I ASK ALL THIS BE DONE , WITHOUT DELIBERATE INDIFFERENCE TOWARDS ME, AS HAS SO OFTEN BEEN THE CASE IN THE PAST, PLEASE INSTRUCT THE STAFF & MEDICAL DEPT. NOT TO ACCOST ME WITH HARRASSMENT & WRONGFUL MISCONDUCTS & FURTHER VIOLATE MY RIGHTS UNJUSTLY..

[This includes hindering my Parole Proceeding & Release retaliatoryly as was the case with Mr. Rosato and false Statements and denial of access to my file because I am indigent When other Inmates were permitted because they had Counsel & Money!!!!]

You, Are formal Given Notice that these Violations are IN FACT TAKING PLACE UNDER YOUR WATCH...

Respectfully Submitted,



Jeffery Paul Moser BE4713

TO: Martin Horn & Joseph W. Chesney

Date: 7/12/2000

From: Jeffery Paul Moser BE4713

1.) Nature of your Disability that Substantially Limits One or More Major Life Activities

- A.) DIFFICULTY WALKING TO MAIN LINE & PILL LINE
- B.) DIFFICULTY WALKING ON SNOW AND ICE...

***SPINE INJURY & UNTREATED STRESS DISORDER....

2.) How that Disability Affects Major Life Activities ?

- A.) EXTREMELY PAINFUL TO GET TO PILL LINE & MAIN LINE & PROGRAMS.
[Some of the Time Most Days ,But Not Everyday]

B.) I Fell in Jan. 2000, As with my Nerve damage down my left side it is very Hard to Keep any kind of Balance & A direct threat to my safty and Phycal wellbeing..

3.) What Reasonable Accommodation is Requested and How will that Accommodation allow you to Perform Major Life Activies that you cannot currently Perform.

[WITHOUT CAUSING FURTHER HARM TO YOURSELF & EMBARRASSMENT]

A.) I request to Eaiter Be Moved Closer to the Service, So the walk is not such a Distance Dailey (4) times aday (or) Recieve Pain Management medication that do assit me in relieveing some of the pain, Which the present medication fails to do and such is noted.. I do Have Hep C. and there are Effect Pain Medications Without the Tylnol in it Which cause even further LIVER DAMAGE.. Such as Oxycontin.....

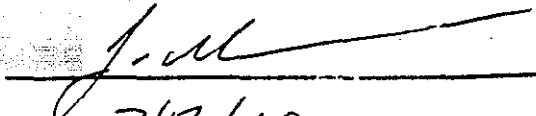
B.) It is well documented I SHOULD NEVER BE WALKING ON "SNOW or ICE"... I should be placed in housing that does not Require me to Walk on Snow or Ice to get to meals & Pill line & Programs , Nor should I be refused Service's others recieve. I be in and Enclosed A.D.A. Approved Facility with Ice and Snow FREE WALKWAYS...

Notes: Form for A.D.A.Legal...

Pennsylvania Dept. of Corrections Vs. Yeskey,, 118 U.S.Supreme Court 1952 (1998)

*Plain text of Title II of the American with Disabilities Act, UNAMBIGUOUSLY EXTENDS TO state prison inmates...

[Sworn Submission 28 U.S.C.A. 1746]



[[[B]]]

T00: Martin Horn & Joseph M. Chesney

Date: 7/12/2000

From: BE4713 ----- Jeffery Paul Moser

1.) Nature of your Disability that Substantially Limits One or More Major Life Activities

***** SPINE INJURY & UNTREATED STRESS DISORDER...**

A.) Incontinence

2.) How that Disability Affects Major Life Activities ?

I leak urine on myself most Days and It gets worse if I am under alot of Stress and that Causes swelling of the Spine and Increased Pain. Which makes It extremely EMBarrassing in Public to Clean myself in front of other , Such as cell mates, It strip's me of all Common Privacy & Dignity to Deal with my Disability...

3.) What Reasonable Accommodation is Requested and How will that Accommodation allow you to Perform Major Life Activities that you cannot currently Perform.

[WITHOUT CAUSING FURTHER HARM TO YOURSELF & EMBARRASSMENT]

- A.) I should Be Housed ALONE in an A.D.A. Approved Cell so the Clean up process can be done in private. I should be Place where Showers are Available more then (10 Min.) Per. Day and are A.D.A. , Handicapped Approved.

I can Not perform these Activities now without Great embarrassment & Harm to Myself as I sometime put the task off for Hours till I am alone which Cause me Great Health risk, Smelling Foul, And lost of Dignity....

Notes: Form for A.D.A. Legal...

Pennsylvania Dept. of Corrections Vs. Yeskey,, 118 U.S. Supreme Court 1952 (1998)

*Plain text of Title II of the American with Disabilities Act, UNAMBIGUOUSLY EXTENDS TO state prison inmates...

[Sworn Submission 28 U.S.C.A. 1746]

Jeffery M. Moser
7/17/00

[[[C]]]

T00: Martin Horn & Joseph Chesney

Date: 7/12/2000

From: Jeffery paul Moser BE4713

1.) Nature of your Disability that Substantially Limits One or More Major Life Activities

***** SPINE INJURY & UNTREATED STRESS DISORDER...**

2.) How that Disability Affects Major Life Activities ?

I have Extreme Problems Jumping out of bed for Count in the Mornings due to Pain and My Spine injury, Which cause's me Further Pain and Possible damage to my Back.. as I am Forced to Jump up without the assistance of Bed Bars.

I also Find myself Losing Balance as I Get off the Toilet....

3.) What Reasonable Accommodation is Requested and How will that Accommodation allow you to Perform Major Life Activities that you cannot currently Perform.

[WITHOUT CAUSING FURTHER HARM TO YOURSELF & EMBARRASSMENT]

I Should Be Placed in a A.D.A. Approve Cell Which includes

1.) Bed Bars.

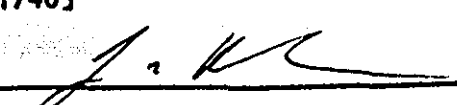
2.) Toilet Bars

Notes: Form for A.D.A. Legal...

Pennsylvania Dept. of Corrections Vs. Yeskey,, 118 U.S. Supreme Court 1952 (1998)

***Plain text of Title II of the American with Disabilities Act, UNAMBIGUOUSLY EXTENDS TO state prison inmates...**

[Sworn Submission 28 U.S.C.A. 1746]



LLL U JJJ

T00: Martin Horn & Joseph W. Chesney

Date: 7/12/2000

From: Jeffery Paul Moser BE4713

1.) Nature of your Disability that Substantially Limits One or More Major Life Activities

***** SPINE INJURY & UNTREATED STRESS DISORDER**

2.) How that Disability Affects Major Life Activities ?

I am Not afforded a JOB & EMPLOYMENT AT SCI-FRACKVILLE.

Frackville does Not make employment Available to the Disabled and/or Make any effort to Create Job's Equal to the other 29¢ to 42¢ Per Hour Jobs, Which are afforded NON-Impaired Inmates...

3.) What Reasonable Accommodation is Requested and How will that Accommodation allow you to Perform Major Life Activities that you cannot currently Perform.

[WITHOUT CAUSING FURTHER HARM TO YOURSELF & EMBARRASSMENT]

Disabled Inmates as Myself Should be added to the Work force,, Not at the minmal levels in discrimination, There are many Clerk Position Ect.. Job's I am able and willing to Do...

****NO JOBS & MINMAL PAY IS DISCRIMINATION TOWARDS THE DISABLED & MENTAL IMPAIRED.**

Notes: Form for A.D.A. Legal...

Pennsylvania Dept. of Corrections Vs. Yeskey,, 118 U.S. Supreme Court 1952 (1998)

***Plain text of Title II of the American with Disabilities Act, UNAMBIGUOUSLY EXTENDS TO state prison inmates...**

[Sworn Submission 28 U.S.C.A. 1746]

J. M.
7/12/00